

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT HAYDEL,

Plaintiff,

- against -

EXPONENTIAL WEALTH INC., ET AL.,

Defendants.

21-cv-10604 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court has reviewed the Report and Recommendation of Magistrate Judge Cave dated September 8, 2023. ECF No. 77. The Report recommends that Mr. Haydel be awarded compensatory damages in the amount of \$94,010.00; pre-judgment interest on his compensatory damages at a rate of nine percent per annum;¹ post-judgment interest pursuant to 28 U.S.C. § 1961, and \$607.00 in costs. See R&R at 2, 24-25. The Report further recommends that Mr. Haydel's RICO claims, his conspiracy claim under New York law, and his requests for consequential damages, punitive damages, treble damages, attorney's fees, an equitable accounting, and a constructive trust be dismissed as abandoned. See id. at 2, 25.

No objections have been filed to the Report and Recommendation, and the time for any objections has passed. In any

¹The Report recommends that pre-judgment interest should be calculated from the dates of each of Mr. Haydel's four purchases as follows: (1) \$9,201.00 from June 21, 2018 to the date of entry of judgment; (2) \$7,799.00 from July 17, 2018 to the date of entry of judgment; (3) \$58,410.00 from November 8, 2018 to the date of entry of judgment; and (4) \$18,600.00 from August 13, 2020 to the date of entry of judgment. See id. at 2, 24.

event, the Court finds that the Report and Recommendation are well reasoned and should be adopted. Therefore, the Report and Recommendation are adopted.

CONCLUSION

The Clerk is therefore directed to enter judgment as follows:

(1) In favor of the plaintiff and against the defendants -- Exponential Wealth, Inc., Ryan Michael Murnane, and Christopher Paul -- jointly and severally, as follows:

(a) For compensatory damages in the amount of \$94,010.00; and

(b) For pre-judgment interest on Mr. Haydel's compensatory damages at a rate of nine percent per annum, calculated from the dates of each of his four purchases as follows:

(i) on \$9,201.00 from June 21, 2018 to the date of entry of judgment;

(ii) on \$7,799.00 from July 17, 2018 to the date of entry of judgment;

(iii) on \$58,410.00 from on November 8, 2018 to the date of entry of judgment; and

(iv) on \$18,600.00 from August 13, 2020 to the date of entry of judgment; and

(c) For post-judgment interest pursuant to 28 U.S.C. § 1961; and


(d) For costs in the amount of \$607.00.

(2) That Mr. Haydel's RICO claims, his conspiracy claim under New York law, and his requests for consequential damages, punitive damages, treble damages, attorney's fees, an equitable accounting, and a constructive trust be **dismissed** as abandoned.

The Clerk is also directed to close all pending motions and to close this case.

SO ORDERED.

**Dated: New York, New York
December 5, 2023**



**John G. Koeltl
United States District Judge**